

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Mark Acton, Vice Chairman; and  
Robert G. Taub

Competitive Product List  
Adding Round-Trip Mailer

Docket No. MC2013-57

Competitive Product Prices  
Round-Trip Mailer (MC2013-57)

Docket No. CP2013-75

ORDER GRANTING REQUEST FOR ACCESS

(Issued January 27, 2014)

On January 23, 2014, Netflix, Inc. (Netflix) filed a motion<sup>1</sup> pursuant to 39 C.F.R. § 3007.40 for access to the following non-public information:

1. Library Reference USPS-LR-MC2013-57/NP7.<sup>2</sup>
2. Non-public Answers of GameFly, Inc. to Chairman's Information Request

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<sup>1</sup> Motion of Netflix, Inc. for Access to Nonpublic Library Reference USPS-LR-MC2013-57/NP7 of the Postal Service and to Nonpublic Answer of GameFly, Inc. to Chairman's Information Request No. 2 as well as Nonpublic Filings of the Postal Service Dated September 12, 2013, and of GameFly Dated December 26, 2013, January 23, 2014 (Netflix Motion).

<sup>2</sup> See Notice of Filing of Nonpublic Library Reference USPS-LR-MC2013-57/NP7, January 17, 2014.

No. 2.<sup>3</sup>

3. Non-public portions of GameFly's Supplemental Comments, GameFly's Supplemental Declaration of David Hodess, and GameFly's Supplemental Declaration of Sander Glick.<sup>4</sup>
4. United States Postal Service Response to Comments.<sup>5</sup>

Signed copies of Appendix A of 39 C.F.R. part 3007 are included with the Netflix Motion.

Netflix acknowledges willingness to comply with protective conditions and identifies the individuals to be granted access. Netflix Motion at 2-3. Netflix states that two of the individuals it identifies, Joy M. Leong and Robert M. Mitchell, have previously been granted access to non-public material in the above-captioned dockets, and that the third individual, Corie Wright, is a member of the D.C. Bar who is not involved with competitive decision-making at Netflix. *Id.* at 2. The Netflix Motion asserts that access to the above-listed documents is necessary to determine whether a response to a pending GameFly motion is necessary.<sup>6</sup>

Netflix states that GameFly and the Postal Service consent to its Motion. Netflix Motion at 3.

In light of the foregoing, Joy M. Leong, Robert M. Mitchell, and Corie Wright are granted access to library reference USPS-LR-MC2013-57/NP7; the Non-public Answers of GameFly, Inc. to Chairman's Information Request No. 2; the non-public portions of

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<sup>3</sup> See Application of GameFly, Inc., for Non-Public Treatment of Portions of Its Answers to Chairman's Information Request No. 2, January 17, 2014.

<sup>4</sup> See Supplemental Comments of GameFly, Inc. on USPS Proposal to Reclassify DVD Mailers as Competitive Products, September 12, 2013 (re-filed December 26, 2013); Supplemental Declaration of David Hodess, September 12, 2013 (re-filed December 26, 2013); Supplemental Declaration of Sander Glick, September 12, 2013; Application of GameFly, Inc., for Non-Public Treatment of Portions of Its Supplemental Comments and Supporting Declarations, September 12, 2013; GameFly, Inc., Notice of Filing of Revised Proprietary and Public Versions of Supplemental Comments and Supporting Declaration of David Hodess, December 26, 2013.

<sup>5</sup> See United States Postal Service Response to Comments, September 23, 2013.

<sup>6</sup> *Id.* See also Motion of GameFly, Inc. for Opportunity to Comment on January 17, 2014, Responses to Chairman's Information Requests, December 24, 2013.

GameFly's Supplemental Comments (filed on September 12, 2013 and re-filed on December 26, 2013), GameFly's Supplemental Declaration of David Hodess (filed on September 12, 2013 and re-filed on December 26, 2013), and GameFly's Supplemental Declaration of Sander Glick; and the United States Postal Service Response to Comments, filed September 23, 2013.

*It is ordered:*

1. The Motion of Netflix, Inc. for Access to Nonpublic Library Reference USPS-LR-MC2013-57/NP7 of the Postal Service and to Nonpublic Answer of GameFly, Inc. to Chairman's Information Request No. 2 as well as Nonpublic Filings of the Postal Service Dated September 12, 2013, and of GameFly Dated December 26, 2013, is granted.
2. Effective upon the issuance of this Order, Joy M. Leong, Robert M. Mitchell, and Corie Wright are each granted access to library reference USPS-LR-MC2013-57/NP7; the Non-public Answers of GameFly, Inc. to Chairman's Information Request No. 2; the non-public portions of GameFly's Supplemental Comments (filed September 12, 2013 and re-filed December 26, 2013), GameFly's Supplemental Declaration of David Hodess (filed September 12, 2013 and re-filed December 26, 2013), and GameFly's Supplemental Declaration of Sander Glick; and the United States Postal Service Response to Comments, filed September 23, 2013.

By the Commission.

Shoshana M. Grove  
Secretary